

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM H. ANDERSON,	:	Jury Trial Demanded
Plaintiff,	:	Case No.
v.	:	2:21-cv-04260-WB
STEP BY STEP, INC.,	:	
Defendant.	:	

AMENDED COMPLAINT

Parties

1. Plaintiff, William H. Anderson ("Anderson" or "Plaintiff"), is an adult individual who resides at 6903 Chester Avenue, Apartment 2, Philadelphia, PA 19142.
2. Defendant, Step by Step, Inc. ("Step by Step" or "Defendant"), is a Pennsylvania corporation with its administrative offices located at Cross Valley Commons, 744 Kidder Street, Wilkes-Barre, PA 18702.

Jurisdiction

3. This case arises under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq* as amended ("Title VII"). Anderson alleges that he had been unlawfully terminated from employment with Step by Step because of his national origin.

Venue

4. The United States District Court for the Eastern District of Pennsylvania

is the appropriate venue for this action pursuant to 28 U.S.C. §§1391(e)(2) and (e)(3), in that a substantial part of the events or omissions giving rise to **Anderson's** claim occurred in this judicial district and **Anderson** resides in this judicial district.

Factual Allegations

5. Step-By-Step, Inc. provides, in part, behavioral support, independent living and housing services to individuals with disabilities.

6. **Anderson**, a naturalized United States citizen, was born in Liberia and had immigrated to the United States in 2001 when he was 40 years old.

7. On November 19, 2002, **Anderson** was first employed by Step-By-Step, Inc.

8. **Anderson's** employment by Step-By-Step, Inc. was terminated on December 11, 2019.

9. Prior to his termination from employment, **Anderson** has been employed by Step-By-Step, Inc. for approximately 17 years as a direct support staff worker, providing direct support care to the same individual with special needs, identified as Mr. DC.

10. At all times material hereto, **Anderson** worked the overnight shift from 12:00am to 8:00am at a residential apartment that housed two special-needs residents in need of staffing assistance, and provided direct support care to Mr. DC, one of the two special-needs persons living in the residential apartment.

11. The other direct support staff worker on the same overnight shift, Priscilla Soko, also Liberian born, provided direct support care to the other special-

needs person living in the same residential apartment.

12. On October 29, 2019, during the overnight shift, Mr. DC, who was sleeping in a hospital-type bed with guardrails without padding, suffered bruising to the left side of the his face and to his left hand.

13. **Step by Step** supervisory or managerial officials were believed to have knowledge that Mr. DC had a history of being self-injurious.

14. **Anderson**, who had been employed by **Step by Step** for 17 years, was terminated based on the sustained charges of (a) Abusing, Mistreating, neglecting clients or making false slanderous or defamatory statement about client(s); (b) Failure to report information relevant to client welfare to supervisory staff; and © Failure to comply with agency policies, procedure, standards and guidelines.

15. There was no credible factual basis to support the sustained charges against **Anderson**.

16. **Step by Step** did not make any specific factual findings supporting the sustained charges, but concluded that the termination was justified because "Mr. Anderson failed to provide needed care and supervision, which compromised Mr. DC's health and safety, causing him to suffer severe injuries."

17. Priscilla Soko was also terminated by **Step by Step**.

16. After **Anderson**'s termination, he filed a discrimination charge (EEOC Charge No. 530-2020-05825) with the U.S. Equal Employment Opportunity Commission (EEOC), alleging a discriminatory discharge based on his national origin.

16. On May 21, 2021, the EEOC issued a *Dismissal and Notice of Rights* (**Exhibit A**) by which **Anderson** was informed, in part, that no finding was made as to the discrimination allegations and, further, that **Anderson**, in order to preserve his discrimination claim, had to file a lawsuit in federal or state court within 90 days of receipt of the *Dismissal and Notice of Rights*.

17. On August 18, 2021, **Anderson** commenced a lawsuit against **Step by Step** in the Count of Common Pleas of Philadelphia County, as of August Term, 2021, No. 001669.

18. On September 27, 2021, **Step by Step** filed a Notice of Removal to the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. §§ 1441 and 1331.

COUNT

WILLIAM H. ANDERSON v. STEP BY STEP, INC.

**Discriminatory Discharge
Based on National Origin Discrimination**

16. Plaintiff, William Anderson, incorporates herein by reference paragraphs 1 through 18 above, as fully as though the same were set forth herein at length.

17. **Anderson** asserts that **Step by Step** unlawfully terminated his employment based on national origin discrimination, in violation of *Title VII* (42 U.S.C. § 2000e, *et seq.*).

18. **Anderson** requests a trial *de novo* by jury in Federal District Court on all issues in his complaint of discrimination.

Conclusion and Prayer for Relief

WHEREFORE, plaintiff, William Anderson, respectfully requests that this Court find in his favor and against defendant, Step by Step, Inc., and determine that his termination was discriminatory based on his national origin and, therefore unlawful, and grant him full relief, including, but not limited to, back pay, front pay (if applicable), other applicable benefits and entitlements, compensatory damages, the cost of this action, his reasonable attorney fees and all other legal and equitable relief provided by law.

s/ Dennis L. Friedman

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